

Remarks

5           Reconsideration of the application is respectfully  
requested. The Examiner rejected the claim of priority  
because the PCT application (filed 6 Aug. 2004) was filed more  
than 12 months before the US filing date of 20 Jan. 2006 of  
the present application. This US application was filed under  
10 Section 371 and the US national phase must be entered within  
30 months from the earliest priority date i.e. 30 months from  
8 August 2003. The PCT application was filed 6 Aug. 2004  
which is less than 12 months from the priority date of 8 Aug.  
2003. Because the PCT was timely filed, the 30-month deadline  
15 was 8 Feb. 2006 and this application was filed 20 Jan. 2006  
i.e. before the 30-month deadline. The application is  
therefore entitled to the early priority date. It is  
respectfully requested that this rejection be withdrawn.

          Claims 1-6 were rejected under Section 112 as being  
20 indefinite. The claims have now been rewritten and should  
fully conform to the requirements of Section 112. No new  
matter has been added. It is submitted that Fig. 1 clearly  
shows, among other things, the nose 15 bearing against the  
first leg 10 and extending through the opening 45 of the sheet  
25 40.

          Claims 1-4 and 6 were rejected under Section 102 as  
being anticipated by Moreno. This rejection is respectfully

Moreno merely shows a hook 5 with a tip 6 to be hooked to another hook 5' that has a tip 6' as best shown in Figs. 4-8. It is submitted that Moreno completely fails to teach or suggest:

1. A bundle of bags removably attached to a sheet wherein the bundle of bags is parallel to the sheet;
2. A curved bottom web disposed in a slot of the sheet;
3. A nose extending through an opening of the sheet and bearing against the first leg; and
4. A second leg in contact with the bundle of bags and urging the bundle of bags away from the sheet.

It is submitted that it would not be obvious to modify Moreno to include the above listed limitations, as required by the amended claim 1. Applicant fails to see why a person of ordinary skill in the art would look to Moreno to learn about these features when they are completely missing.

It is even submitted that the required modifications would render Moreno inoperable. If Moreno is modified to include an opening in the back portion 2 and the hook 5 is bent so that the hook 5 penetrates this opening (although this is not suggested at all in Moreno), it would not be possible to attach hook 5' to hook 5 as taught or suggested by Moreno since it is not possible for the tip 6 of the hook 5 to be in contact with the back portion 2 while at the same time being able to hook up hook 5 with hook 5', as shown in Figs. 4-8.

Additionally, there is no motivation to make the required modifications of Moreno's invention since it would make his invention inoperable. For a modification to be obvious, Moreno must explicitly teach or suggest the required step to motivate the artisan to make the required modifications. In re Fine 5 USPQ.2d (Fed. Cir. 1988), the court ruled (on page 1944) that there must be a motivation for the required modification to be obvious. In Winner International Royalty Corp. v. Wing 48 USPQ.2d 1139, the court ruled (on page 1144) that there must have been some explicit teaching or suggestion in the art to motivate one of ordinary skill in the art to make the required modifications.

Applicant submits that Moreno completely lacks the required teaching or suggestion to motivate the artisan to make the required modifications to Moreno's invention. In other words, it would not be obvious for an artisan to learn about the bundle of bags removably attached to a sheet wherein the bundle of bags are parallel to the sheet, the curved bottom web is disposed in a slot of the sheet, the nose extends through an opening of the sheet and bears against the first leg and the second leg is in contact with the bundle of bags and urges the bundle of bags away from the sheet, by reviewing the teachings of Moreno when Moreno completely fails to teach or suggest these features. As indicated above, such modifications would make Moreno's invention much less effective and even inoperable.

In view of above, it is submitted that the amended claim 1 is allowable.

Claims 2-4 and 6 are submitted to be allowable because the claims depend on the allowable base claim 1 and because the claims include limitations that are not taught or suggested in the cited references.

Claim 5 was rejected under Section 103 as being obvious over Moreno. This rejection is respectfully traversed.

Claim 5 is submitted to be allowable because the claim depends on the allowable base claim 1 and because the claim includes limitations that are not taught or suggested in the cited references.

The application is now submitted to be in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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